

2. It is admitted that the plaintiff was in the employment of the defendant as a flagman. The remaining allegations of paragraph 2 are denied.

3. It is denied that on July 2, 1952, at or about the hour of 11:05 a.m., while engaged in the course and scope of his employment on defendant's house track in or near Mount Olive, Illinois, plaintiff observed a car in one of defendant's trains which was leaking grain. It is further denied that it became and was the duty of the plaintiff to plug a hole in the bottom of a car from which it is alleged the wheat was leaking.

4. It is denied that at the time and place alleged defendant's house track ran in a general north and south direction, and it is further denied that the cars which contained the car which was allegedly leaking wheat included a caboose. It is further denied that as plaintiff walked south on the east side of the house track for the purpose of getting some waste material from the caboose to use in plugging up the alleged leak in the wheat car he stepped upon a large clinker which was imbedded in loose cinders and he was caused to lose his footing and to fall and injure his left knee.

5. It is denied that prior to the happening of the alleged occurrence defendant, through its agents and servants, had made repairs in the roadbed and ground adjacent thereto. It is further and specifically denied that defendant, through its agents, carelessly and negligently placed said large clinker among loose cinders, or carelessly and negligently allowed and permitted said large clinker to remain in said cinders.

6. It is denied that at the time and place alleged the defendant was guilty of any of the acts of negligence or unlawful conduct alleged as directly and proximately causing, or directly and proximately contributing to cause, the alleged accident and plaintiff's injuries. It is further and specifically denied that the defendant:

(a) Failed to use ordinary care to furnish the plaintiff with a reasonably safe place to work and to perform the duties of his employment.

(b) Placed a large clinker among the cinders constituting its roadbed and thereby created a hazardous condition for its employees working upon or about its aforementioned tracks.